

1 STEPHEN M. LOBBIN
2 sml@smlavvocati.com
3 SML AVVOCATI P.C.
4 888 Prospect Street, Suite 200
5 San Diego, California 92037
6 (949) 636-1391 (Phone)

7 *Attorney(s) for Rothschild Broadcast Distribution Systems, LLC*
8

9

10 **IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12

13 **ROTHSCHILD BROADCAST
14 DISTRIBUTION SYSTEMS, LLC,**

15 *Plaintiff,*

16 v.

17 **CASE NO.:**

18 **CYBERLINK.COM CORP.,**

19 *Defendant.*

20

21 **JURY TRIAL DEMANDED**

22

23 **COMPLAINT**

24 Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or
25 “Rothschild Broadcast Distribution Systems”) files this complaint against
26 Cyberlink.com Corp. (“Cyberlink”) for infringement of U.S. Patent No. 8,856,221
27 (hereinafter the “‘221 Patent”) and alleges as follows:

28

29 **PARTIES**

30 1. Plaintiff is a Texas limited liability company with an address of 1 East
31 Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

32 2. On information and belief, Defendant is a California corporation, with a
33 place of business at 3031 Tisch Way, 110 Plaza West, San Jose CA 95126. On
34 information and belief, Defendant may be served through its agent, James L. Pagano,

1 1565 The Alameda, Ste. 200, San Jose CA 95126.

2 **JURISDICTION AND VENUE**

3 3. This action arises under the patent laws of the United States, 35 U.S.C. §
4 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

5 4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal
6 Question) and 1338(a) (Patents).

7 5. On information and belief, this Court has personal jurisdiction over
8 Defendant because Defendant has committed, and continues to commit, acts of
9 infringement in this District, has conducted business in this District, and/or has engaged
10 in continuous and systematic activities in this District.

11 6. Upon information and belief, Defendant's instrumentalities that are
12 alleged herein to infringe were and continue to be used, imported, offered for sale,
13 and/or sold in the District.

14 7. Venue is proper in this District under 28 U.S.C. §1400(b) because
15 Defendant is deemed to be a resident in this District. Alternatively, acts of infringement
16 are occurring in this District and Defendant has a regular and established place of
17 business in this District.

18 **BACKGROUND**

19 8. On October 7, 2014, the United States Patent and Trademark Office
20 ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for
21 Storing Broadcast Content in a Cloud-Based Computing Environment" after the
22 USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit
23 A.

24 9. Rothschild Broadcast Distribution Systems is currently the owner of the
25 '221 Patent.

26 10. Rothschild Broadcast Distribution Systems possesses all rights of
27 recovery under the '221 Patent, including the exclusive right to recover for past, present
28 and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

COUNT ONE

(Infringement of United States Patent No. 8,856,221)

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. The ‘221 Patent teaches a method and apparatus for media content storage and delivery. ‘221 Patent, Abstract. Among other things, the claimed system includes a server, which has a receiver in communication with a processor. *Id.* The receiver receives a request message. *Id.* The request message includes media data indicating requested media content and a consumer device identifier corresponding to a consumer device. *Id.* The processor determines whether the consumer device identifier corresponds to a registered consumer device. *Id.* If the processor determines that the consumer device identifier corresponds to the registered consumer device, then the processor determines whether the request message is one of a storage request message and a content request message. *Id.* If the request message is the storage request message, then the processor is further configured to determine whether the requested media content is available for storage. *Id.* If the request message is the content request message, then the processor initiates delivery of the requested media content to the consumer device. *Id.*

16. The present invention solves problems that existed with then-existing media delivery systems. One problem with prior delivery systems is that the customer was charged according to the expenses of the provider rather than the usage of the customer. ‘221 Patent, 1:31-57. Customers were not charged based on the amount of

1 programming delivered or the amount or duration of the customer's storage of media.
2 *Id.* Another such problem, more generally, is that customers were not billed and
3 services were not provided, in a way that was tailored to the customer's needs and
4 usage. *Id.*, 2:3-13.

5 17. A number of aspects of the invention(s) embodied in the '221 Patent
6 overcome the problems with the prior art. For example, the inventive system includes
7 a processor in communication with a receiver. *Id.*, 2:23-34. The processor determines
8 media content characteristics that correspond to the media content to be stored. *Id.* The
9 processor determines a length of time to store the media content based on the media
10 data and determines a cost amount based at least in part on the determined media
11 content characteristics and length of time to store the media content. *Id.* As another
12 example, the system makes a determination that media content is available for
13 download. *Id.*, 2:64-3:2. A determination is made that content is not stored. Download
14 of the media content is initiated. *Id.* The media content is received and the received
15 media content is stored. *Id.*

16 18. The '221 Patent is directed to computerized technologies to provide users
17 with tailored media delivery systems and tailored billing for such systems. Among other
18 things, the '221 Patent claims include sending and receiving of request messages
19 indicating requested media content and including a device identifier corresponding to
20 a consumer device. A determination is made whether the identifier corresponds to the
21 device. A determination is also made as to whether the request is for delivery or
22 storage. The media data in the request includes time data that indicates a length of time
23 for storage. A processor is configured to determine whether requested media exists and
24 whether there are any restrictions associated with delivery or storage of the requested
25 media.

26 19. The system(s) and methods of the '221 Patent include software and
27 hardware that do not operate in a conventional manner. For example, the software is
28 tailored to provide functionality to perform recited steps and the processor is configured

1 (and/or programmed) to provide functionality recited throughout the claims of the '221
2 Patent.

3 20. The '221 Patent solves problems with the art that are rooted in computer
4 technology and that are associated with electronic transmission, loading, and storage of
5 location information, as well as automatic provisioning of route guidance. The '221
6 Patent claims do not merely recite the performance of some business practice known
7 from the pre-Internet world along with the requirement to perform it on the Internet.

8 21. The improvements of the '221 Patent and the features recited in the claims
9 in the '221 Patent provide improvements to conventional hardware and software
10 systems and methods. The improvements render the claimed invention of the '221
11 Patent non-generic in view of conventional components.

12 22. The improvements of the '221 Patent and the features recitations in the
13 claims of the '221 Patent are not those that would be well-understood, routine or
14 conventional to one of ordinary skill in the art at the time of the invention.

15 23. Accordingly, Defendant has infringed, and continues to infringe, the '221
16 Patent in violation of 35 U.S.C. § 271. Upon information and belief, Defendant has
17 infringed and continues to infringe one or more claims, including at least Claim 7, of
18 the '221 Patent by making, using, importing, selling, and/or offering for media content
19 storage and delivery systems and services covered by one or more claims of the '221
20 Patent.

21 24. Defendant sells, offers to sell, and/or uses media content storage and
22 delivery systems and services, including, without limitation, the Cyberlink media
23 platform, U Meeting application, any associated hardware, software and apps, as well
24 as any similar products ("Product"), which infringe at least Claim 7 of the '221 Patent.

25 25. The Product practices a method of storing (e.g., cloud storage) media
26 content (e.g., recording) and delivering requested media content (recorded videos,
27 audio, texts, etc.) to a consumer device (e.g., mobile device with app or software).
28 Certain aspects of these elements are illustrated in the screenshots below and/or in those

1 provided in connection with other allegations herein.

2 U Meeting provides all the tools you need, such as desktop sharing, virtual
3 whiteboard, laser pointers and annotation pens. You can easily present and
4 interact with other participants.

5 Also hold breakout sessions during meetings, and record and store your
6 discussions.

7 Source: <https://u.cyberlink.com/products/umeeting>

8 U Meeting supports Windows/MacOS PC and iOS/Android devices.
9 You can join meetings using Chrome without any plug-ins or
10 registration.



11 Windows



12 macOS



13 chrome



14 GET IT ON
15 Google Play



16 Download on the
17 App Store

18 Source: <https://u.cyberlink.com/products/umeeting>

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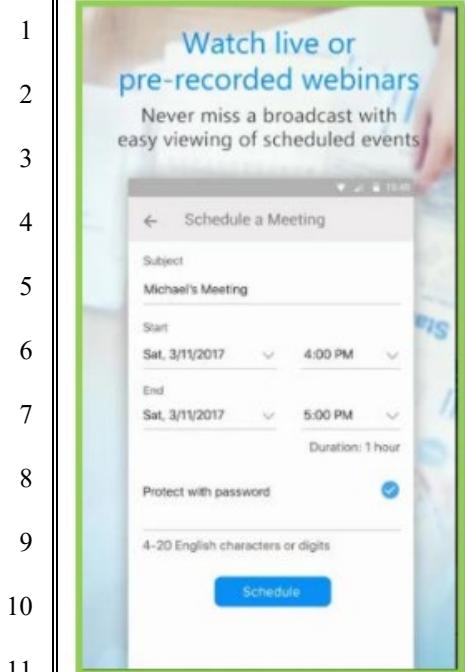
Meeting Recordings

You can record sessions using the meeting recording function for archiving, sharing, or to replay key sections.

Source: <https://u.cyberlink.com/products/umeeting>



Source: <https://u.cyberlink.com/products/umeeting>



Webinars

- Engage both in-room and remote audience simultaneously
- Real-time text chat
- Annotate live, or jump through slides in any order to adjust the presentation on-the-fly
- Record a presentation during a live broadcast or offline
- Post editing of "modular" slide recordings; edit on slide-by-slide basis
- Schedule a pre-recorded session to play at a dedicated URL at a specific time

Source: <https://play.google.com/store/apps/details?id=com.cyberlink.U>

U Webinar is a simple and powerful webinar tool for Mac & PC that lets you schedule and organize your live, or pre-recorded online presentations. Learn more: <https://u.cyberlink.com/download>

Source: <https://apps.apple.com/app/u-you/id888621464>

1 **Recording Meetings**

2 ~~Users can now record meetings from within in the meeting room in the PC version~~
3 ~~of U.~~

4 *Note: this feature may not be available, as it can be disabled by an organization's*
administrator or the meeting host.

5 To record a meeting, do this:

- 6 1. ~~Click the **Record** button in the meeting room. U will start recording the~~
~~meeting, and all meeting participants will be notified that recording is in~~
~~process.~~
- 8 2. ~~Click  to pause the recording at any time, and  to continue recording.~~
- 9 3. ~~Click  to stop the recording.~~

10 Source: https://download.cyberlink.com/ftpload/user_guide/u/u_meeting&messenger/U_UG_ENU.pdf

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- 12 4. When the meeting ends, U will then process your recorded video file and
13 prompt you when it is ready. Click the **Open file location** link to view the
14 recorded file, or **Close** to close the message window.

15 Source: https://download.cyberlink.com/ftpload/user_guide/u/u_meeting&messenger/U_UG_ENU.pdf

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17 26. The Product necessarily includes a receiver configured to receive a request
18 message including data indicating requested media content (e.g., the Product must have
19 infrastructure to receive a request to store recorded media content or to stream recorded
20 media content on a smartphone; additionally, the request message must contain data
21 that identifies the content to be stored or streamed) and a consumer device identifier
22 corresponding to a consumer device (e.g., the user credentials are used to access the
23 contents of the Product). Certain aspects of these elements are illustrated in the
24 screenshots below and/or in those provided in connection with other allegations herein.

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U Meeting

With U Meeting, you can meet face-to-face with anyone from anywhere in the world, from a Windows PC, Mac, Android or iOS device.



Source: https://download.cyberlink.com/ftpupload/user_guide/u/u_meeting&messenger/U_UG_ENU.pdf

U Meeting Room

In the PC or Mac version of U, the meeting room displays as follows.



A - Speaker View, B - Gallery View, C - Compact View, D - Participants Video Feeds, E - Meeting Room Settings, F - View/Hide Participants Window, G - Go to Full Screen, H - View/Hide Chat Window, I - Check Network Status, J - Leave Meeting (Hang Up), K - More Features, L - Record Meeting, M - Share Desktop, N - Invite People to Meeting, O - Turn Camera On/Off, P - Turn Microphone On/Off

Source: https://download.cyberlink.com/ftpupload/user_guide/u/u_meeting&messenger/U_UG_ENU.pdf

1 U Meeting supports Windows/MacOS PC and iOS/Android devices.
2 You can join meetings using Chrome without any plug-ins or
3 registration.



9 Source: <https://u.cyberlink.com/products/umeeting>

10 **Sign In**

11 with your CyberLink account

12

13

14  Sign in

15 Source: <https://u.cyberlink.com/user/signin>

16 27. The Product necessarily determines whether the consumer device
17 identifier corresponds to the registered consumer device (e.g., a user must be a
18 registered user to access the Product's services). Certain aspects of these elements are
19 illustrated in the screenshots below and/or in those provided in connection with other
20 allegations herein.

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1 U Meeting supports Windows/MacOS PC and iOS/Android devices.
2 You can join meetings using Chrome without any plug-ins or
3 registration.



Sign In
with your CyberLink account

CyberLink or U Account Email

Password

Sign in

Source: <https://u.cyberlink.com/user/signin>

28. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

U Meeting

With U Meeting, you can meet face-to-face with anyone from anywhere in the world, from a Windows PC, Mac, Android or iOS device.



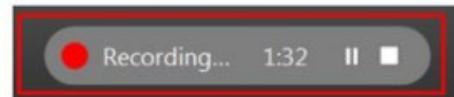
Source: https://download.cyberlink.com/ftpload/user_guide/u/u_meeting&messenger/U_UG_ENU.pdf

1 **How do I record a U Meeting?**

2

3 Recording a U Meeting is currently supported in the Windows version of U Meeting. You can
 4 record a video meeting as well as an audio only meeting. During a U Meeting, click the  button to record the U Meeting. When you leave the U Meeting, it will be saved as an MP4 video
 5 in the "U" folder in the Documents folder in your Windows shortcuts. The recorded meeting
 6 video will only be of the current speaker's webcam, even if you are using Gallery View.

7 You can pause or stop the recording on the meeting recording control bar. Even if the meeting
 8 is still ongoing, it will not be recorded while the meeting is paused.

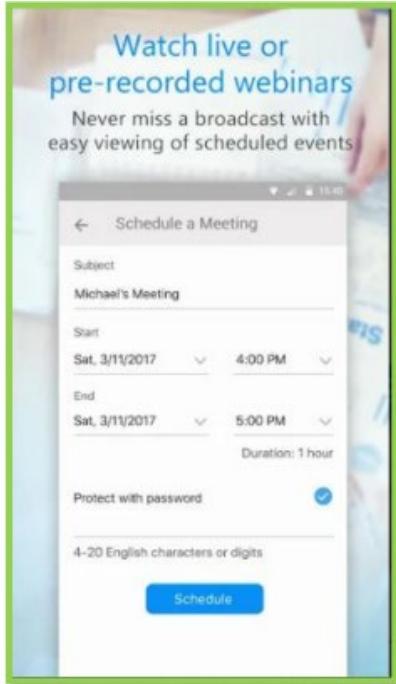


10 Source: <https://u.cyberlink.com/support/fac/21696/how-do-i-record-a-u-meeting->

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12 4. When the meeting ends, U will then process your recorded video file and
 13 prompt you when it is ready. Click the **Open file location** link to view the
 14 recorded file, or **Close** to close the message window.

15 Source: https://download.cyberlink.com/ftpupload/user_guide/u/u_meeting&messenger/U_UG_ENU.pdf



Webinars

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Source: <https://play.google.com/store/apps/details?id=com.cyberlink.U>

U Webinar is a simple and powerful webinar tool for Mac & PC that lets you schedules and organizes your live, or pre-recorded online presentations. Learn more: <https://u.cyberlink.com/download>

Source: <https://apps.apple.com/app/u-you/id888621464>

29. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store media content is limited to a certain amount of memory and/or time). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

1 **Webinars**

2 • Engage both in-room and remote audience simultaneously

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8 Source: <https://play.google.com/store/apps/details?id=com.cyberlink.U>

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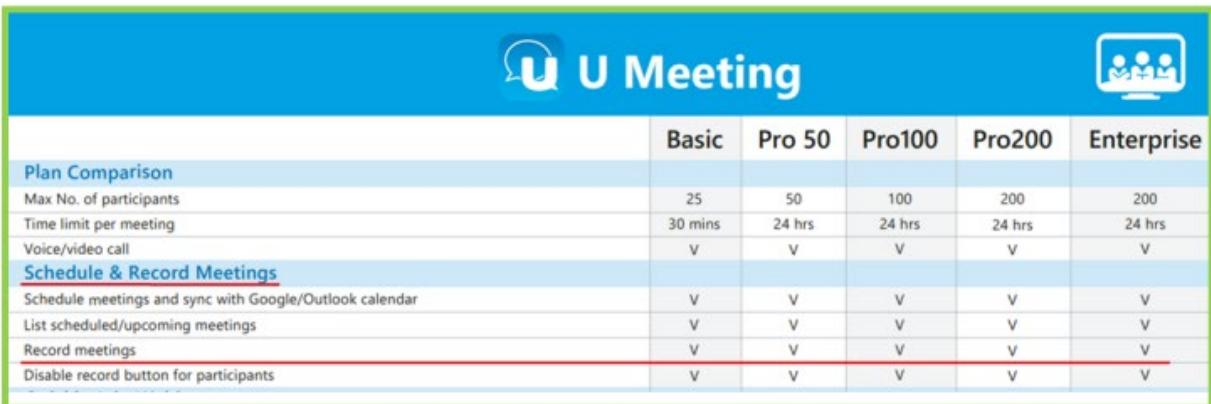
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The table compares the features of U Meeting across five plans: Basic, Pro 50, Pro100, Pro200, and Enterprise. It includes sections for Plan Comparison and Schedule & Record Meetings.

	Basic	Pro 50	Pro100	Pro200	Enterprise
Plan Comparison					
Max No. of participants	25	50	100	200	200
Time limit per meeting	30 mins	24 hrs	24 hrs	24 hrs	24 hrs
Voice/video call	V	V	V	V	V
Schedule & Record Meetings					
Schedule meetings and sync with Google/Outlook calendar	V	V	V	V	V
List scheduled/upcoming meetings	V	V	V	V	V
Record meetings	V	V	V	V	V
Disable record button for participants	V	V	V	V	V

16 Source: https://download.cyberlink.com/ftpupload/event/u/meeting_comparison_ENU.pdf

17 30. If a customer requests content (e.g., live streaming of media content), then
 18 a processor within the Product necessarily initiates delivery of the content to the
 19 customer’s device. The Product will initiate delivery of the requested media content to
 20 the consumer device (e.g., stream media content feed to a smartphone or tablet etc.) if
 21 the request message is a content request message (e.g., request for live streaming).
 22 Certain aspects of these elements are illustrated in the screen shots below and/or in
 23 screen shots provided in connection with other allegations herein.

1 U Meeting provides all the tools you need, such as desktop sharing, virtual
2 whiteboard, laser pointers and annotation pens. You can easily present and
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6 Source: <https://u.cyberlink.com/products/umeeting>

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10 Windows



11 macOS



12 chrome



13 GET IT ON
14 Google Play



15 Download on the
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17 Source: <https://u.cyberlink.com/products/umeeting>

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4 *Note: this feature may not be available, as it can be disabled by an organization's
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14 Source: https://download.cyberlink.com/ftpload/user_guide/u/u_meeting&messenger/U_UG_ENU.pdf

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16 31. The media data includes date and time information to identify conference
start and stop times, as well as meeting length. Time data may also indicate a length of
17 time to store the requested media content (e.g., a user is allowed to store media content
18 for a retention period defined by a variable amount of time). Certain aspects of these
19 elements are illustrated in the screenshots below and/or in those provided in connection
20 with other allegations herein.
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1 Before I delete a user in my U organization account, how do I
2 transfer the recorded webinars from the user to another user?
3

4 Transferring recorded webinars from a user in your U organization account can only be done while the user's
5 account has been deleted.
6

7 To do this, please visit <https://u.cyberlink.com/user/profile> and then browse to **Organization Admin Tools >**
8 **Member Management** webpage. Find the user you are going to delete and then click on the **Delete**
9 button. A warning dialog will be pop up. You can enable the option "**Transfer data to other user**" and then
10 choose which user in your U organization account will receive the recorded webinars. Once you click on the
11 **Delete** button in the warning dialog, the recorded webinars will be transferred to the user.
12

13 Source: <https://u.cyberlink.com/support/faq/21701/before-i-delete-a-user-in-my-u-organization-account,-how-do-i-transfer-the-recorded-webinars-from-the-user-to-another-user->
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15 U Webinar is a simple and powerful webinar tool for Mac & PC that lets you
16 schedules and organizes your live, or pre-recorded online presentations. Learn
17 more: <https://u.cyberlink.com/download>
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19 Source: <https://apps.apple.com/app/u-you/id888621464>
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8 Source: <https://play.google.com/store/apps/details?id=com.cyberlink.U>

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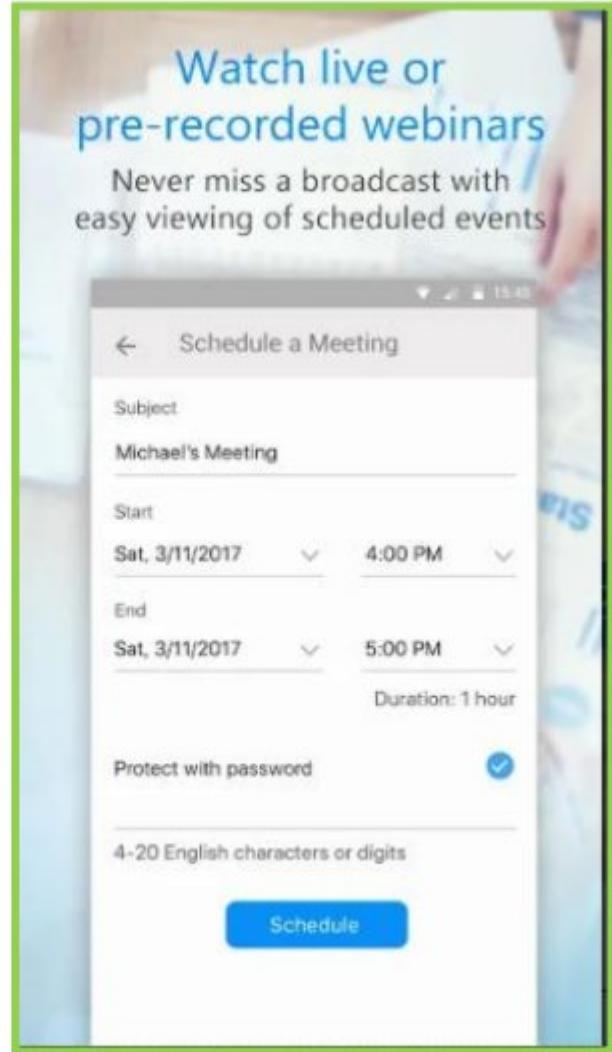
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Record meetings	V	V	V	V	V
Disable record button for participants	V	V	V	V	V

Source: https://download.cyberlink.com/ftpupload/event/u/meeting_comparison_ENU.pdf



Source: <https://play.google.com/store/apps/details?id=com.cyberlink.U>

32. The Product must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g., the product must verify that a particular requested data is stored in the cloud). Also, a user can view the history of media content and the processor can identify the existence of that particular media content. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

33. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested

1 media content (e.g., user access restrictions, etc.). Certain aspects of these elements are
2 illustrated in the screenshots below and/or those provided in connection with other
3 allegations herein.

4 34. Defendant's actions complained of herein will continue unless Defendant
5 is enjoined by this Court.

6 35. Defendant's actions complained of herein is causing irreparable harm and
7 monetary damage to Plaintiff and will continue to do so unless and until Defendant is
8 enjoined and restrained by this Court.

9 36. The '221 Patent is valid, enforceable, and was duly issued in full
10 compliance with Title 35 of the United States Code.

11 37. A copy of the ‘221 Patent, titled “System and Method for Storing
12 Broadcast Content in a Cloud-based Computing Environment,” is attached hereto as
13 Exhibit A.

14 38. By engaging in the conduct described herein, Defendant has injured
15 Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

16 39. Defendant has committed these acts of literal infringement, or infringement
17 under the doctrine of equivalents of the '221 Patent, without license or authorization.

18 40. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff
19 has suffered monetary damages and is entitled to a monetary judgment in an amount
20 adequate to compensate for Defendant's past infringement, together with interests and
21 costs.

22 || 41. Plaintiff is in compliance with 35 U.S.C. § 287.

23 42. As such, Plaintiff is entitled to compensation for any continuing and/or
24 future infringement of the '221 Patent up until the date that Defendant ceases its
25 infringing activities.

DEMAND FOR JURY TRIAL

27 43. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal
28 Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

3 (a) Enter judgment for Plaintiff on this Complaint on all cases of action
4 asserted herein;

5 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
6 employees, attorneys, and all persons in active concert or participation with Defendant
7 who receives notice of the order from further infringement of United States Patent No.
8 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time
9 judgment going forward);

10 (c) Award Plaintiff damages resulting from Defendants infringement in
11 accordance with 35 U.S.C. § 284;

12 (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled
13 under law or equity.

15 || Dated: August 2, 2021

Respectfully submitted,

/s/ Stephen M. Lobbin

Stephen M. Lobbin

sml@smlavvocati.com

SML AVVOCATI P.C.

888 Prospect Street, Suite 200

San Diego, California 92037

(949) 636-1391 (Phone)

*Attorney(s) for Plaintiff Rothschild
Broadcast Distribution Systems, LLC*